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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,535	08/29/2001	James E. Stein	01997/51500I	7176
21559	7590	11/04/2004	EXAMINER	
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			NAFF, DAVID M	
			ART UNIT	PAPER NUMBER
			1651	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/942,535 8/29/01 Stein et al 01997/515001

EXAMINER

*Naff*

ART UNIT	PAPER
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1651 20041103

DATE MAILED:

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**Commissioner for Patents**

The reply filed on 8/20/04, which is in response to a notice of non-compliant amendment of 6/17/04 which is in response to an amendment of 3/26/04 which is in response to a notice of non-responsive amendment of 9/24/03 which is in response to an amendment of 6/24/03 which is in response to a prior office action of 12/19/02, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendments of 8/20/04 and 3/26/04 do not specifically address the rejections under 35 USC § 103 and on obvious double patenting in the office action of 12/19/02 in relation to new claim 36. The amendment of 6/24/03 also does not specifically address these rejections, and merely states that original claims 1-20 are canceled, and presented claims drawn to an invention different from the invention originally claimed that resulted in the notice of non-responsive amendment of 9/24/03. The 103 and double patenting rejections must be specifically responded to in relation to new claim 36, or this application will be held abandoned. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is 571-272-0920. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David M. Naff  
Primary Examiner  
Art Unit: 1651